

REMARKS

This paper is responsive to the Office Action dated March 31, 2011 wherein claims 27-68 were rejected and claims 1-26 stand withdrawn pursuant to a requirement for restriction/election. By this paper, claims 27 and 47 have been amended. No new matter has been added. Claims 27-68 remain pending in this application. In view of the following remarks, Applicant requests further examination and reconsideration of the present patent application.

35 USC 102

The Examiner has rejected claims 27-33, 36-39, 47-51, 55-59, 67 and 68 under 35 USC §102(c), as being anticipated by Catan, US Pub. No. 2002/0143643.

Independent claim 27 has been amended to recite inter alia “wherein each of the electronic asset identification and intelligent sensing device comprises a processing unit for processing the environmental or operating conditions and a transceiver unit to enable device-to-device communication between the plurality of electronic asset identification and intelligent sensing devices.” The support for the amendment can be found in applicants’ specification, at for example, in FIG. 10 and paragraphs 0086 and 0092. Independent claim 47 has been amended to recite similar subject matter. Applicant respectfully submits that Catan does not teach, suggest or disclose the invention as recited in independent claims 27 and 47 and specifically the recitations of a plurality of electronic asset identification and intelligent sensing devices comprising a processing unit **and** a transceiver unit.

The Examiner referred to item 225 and specifically to a MRL device T of Catan as electronic asset identification and intelligent sensing device as in the pending claims. Applicant respectfully stresses that MRL device T of Catan can not be interpreted as an electronic asset identification and intelligent sensing device as recited in the pending claims because device T does not include any processing unit for processing the environmental and operating conditions or a transceiver unit to enable device-to-device communication between the electronic asset identification and intelligent sensing devices.

While rejecting claim 47, the Examiner referred to paragraph 65 of Catan to suggest the transceiver as in the pending claims. However, Catan in neither paragraph 65 nor anywhere else discloses device-to-device communication between the plurality of electronic asset identification and intelligent sensing devices. Similarly, the Examiner referred to paragraph 164 of Catan to suggest the processing unit as in pending claims. However, paragraph 164 of Catan merely suggests that a data can be stored anywhere in the system. It does not disclose or suggests that the MRL device T includes a processor unit as in the pending claims.

Accordingly, Applicant respectfully stresses that MRL device of Catan can not be equated with the electronic asset identification and intelligent sensing device of the pending claims. For at least these reasons, among others, Applicant respectfully requests withdrawal of the rejections of claims 27 and 47 as amended under 35 U.S.C. § 102. Claims 28-33, 36-39, 48-51, 55-59, 67 and 68 depend directly or indirectly from claims 27 and 47 and are therefore allowable at least by virtue of their dependency from an allowable base claim.

35 USC §103

The Examiner rejected the following claims under 35 USC §103(a): claim 34, as being unpatentable over Catan in view of Donner et al. (U.S. Patent No. 7, 216,109); claims 35, 52-54 as being unpatentable over Catan in view of Ulrich et al. (U.S. Patent No. 6,344,794); claims 40, 41, 44, 46, 60, 61, 64 and 66 as being unpatentable over Catan in view of Katagishi et al. (U.S. Publication No. 2003/0120745); claims 42-43, 62-63 as being unpatentable over Catan in view of Katagishi and further in view of official notice; and claims 45 and 65 as being unpatentable over Catan in view of Katagishi and further in view of Radican (U.S. Patent No. 6,148,291).

Removal of Katagishi Pursuant to 37 C.F.R §1.131

The effective date of Katagishi is May 3, 2002. Applicant respectfully notes that on 19th May 2009 Applicant had submitted a declaration and documentary evidence to the office under 37 C.F.R. 1.131 establishing the date of the invention prior to at least May 3, 2002 (i.e., the filing date of Katagishi). Accordingly, in view of the Applicants' earlier conception and reduction to practice, the Applicant respectfully requests that the Examiner remove Katagishi from consideration and withdraw all outstanding rejections based on Katagishi.

Also as discussed above, Catan fails to suggest or discuss asset identification management and intelligent sensing devices comprising a processing unit and a transceiver unit as in independent claim 27 and 47 of the pending application. Further, Donner, Ulrich, or Radican fails to suggest or discuss the referred limitation. Thus, none of the cited references either taken alone, or in any hypothetical combination, specifically disclose, suggest or teach the invention as recited in independent claims 27 and 47. Accordingly, Applicant respectfully submits that a prima facie case of obviousness cannot be established using these references for claims 34, 35, 40-46, 52-54 and 60-66 because they depend directly from independent claims 27 and 47 and include all of the limitations of their respective base claim. Applicants therefore respectfully request that the Examiner withdraw the rejection under 35 USC 103 from these claims.

Summary

For the reasons set out above, Applicants respectfully submit that the application is in condition for allowance. Favorable reconsideration and allowance of the application are, therefore, respectfully requested.

If the Examiner believes that anything further is necessary to place the application in better condition for allowance, the Examiner is kindly asked to contact Applicants undersigned representative at the telephone number below.

Respectfully submitted,

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